THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.26057 OF 2005

Dated: 06-12-2005

Between

Mir Azmath Ali, S/o. Mir Azam Ali, Occ: Business, R/o. 22-6-1019/2, Hussaini Manzil, Irani Galli, Hyderabad – 2.

…PETITIONER

AND

The Assistant City Planner, Circle No.VI, Abids, Municipal Corporation of Hyderabad, Hyderabad and others.

…RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the first respondent dated 01.12.2005 orally threatening to demolish the petitioner's Mulgi bearing No.5-2-23 situated at Jambagh Road, Mouzamjahi Market, Hyderabad as illegal and arbitrary.

Learned counsel for the petitioner submits that some of the similarly situated persons as the petitioner, have filed W.P.No.10175 of 2003, which was disposed of by order dated 27.05.2003 directing the Municipal Corporation not to dispossess the petitioners from their lands or demolish their properties without following the due process of law either by way of private negotiations or by way of acquiring land under the Land Acquisition Act, 1894.

The only grievance of the petitioner is that the respondents are threatening to demolish the mulgi of the petitioner without issuing any notice, without acquiring the land, without paying

compensation and without following due process of law.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondents not to dispossess the petitioner and demolish his mulgi without following due process of law under Sections 146 and 147 of the Hyderabad Municipal Corporation Act.

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V. ESWARAIAH, J

December 6, 2005

Note: Furnish C.C. of the order by 08.12.2005

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DSK